

10/534268

JG14 REG 1 PCT/PTG 05 MAY 2005

S/N Unassigned

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Babarina, et al. Express Mail Label No. EL789905857US  
Serial No.: Unassigned Group Art Unit: Unassigned  
Filed: May 6, 2005 Docket No. 14836-49926  
Title: **MEDIUM AND METHOD FOR MEASURING THE EFFICACY OF A  
TUMOUR THERAPY**

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## CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL789905857US

Date of Deposit: May 6, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail' Post Office  
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P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: Tim Tingkang Xia

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Customer No. 24728****INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Information Disclosure Statement List are brought to the attention of the Examiner.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each non-U.S. patent document or other information listed on the enclosed Information Disclosure Statement List is provided herewith, if applicable.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Information Disclosure Statement List, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP



Tim Tingkang Xia

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Date Mailed: May 5, 2005

Sheet 1 of 1

<b>INFORMATION DISCLOSURE STATEMENT LIST</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 14836-49926	Serial Number: <b>10/534268</b> Unassigned
	Applicant: Babarina, et al.	Express Mail.: EL789905857US
	Filing Date: May 6, 2005	Group Art Unit: Unassigned

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	6,221,873	04/24//2001	Hajduch et al.			
	2	6,452,028	09/17/2002	Batcho, et al			

  

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

  

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	3	Metzger, R., et al., "Towards in vitro prediction of an in vivo cytostatic response of human tumor cells with a fast chemosensitivity assay"; Toxicology, Limerick, Ireland, vol. 166, 14 September 2001, pages 97 – 108.
	4	Hafner, Frank, "Cytosensor (R) Microphysiometer: Technology and recent applications"; Biosensors & Bioelectronics, Elsevier Science Publishers, Barking, Great Britain, vol. 15, no. 3-4, June 2000, pages 149-158.

Customer No. 24728

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	